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DATE: February 6, 2001

PROPOSAL: Gary Bredehoft, of Olsson Associates, on behalf of Holdrege Investors LLC and University Park Congregation of Jehovah's Witnesses, has applied for the following development proposals in the area generally located at the northeast corner of N. 84th and Holdrege Streets.

1. Annexation #00006 of approximately 53.67 acres
2. Change of Zone #3255 from AG Agricultural to R-3 and R-4 Residential, B-2 Planned Neighborhood Business District, and O-3 Office Park District
3. Special Permit #1839 Morning Glory Estates Community Unit Plan for 269 dwelling units
4. Preliminary Plat #00011 Morning Glory Estates, for 54 residential lots, 12 commercial lots and 2 outlots
5. Use Permit #128 for 153,000 square feet of office and commercial space

1. Section 26.15.030(b) requiring a Use Permit on a portion of the property with the submittal of the Preliminary Plat
2. Section 26.23.030 requiring a street projection to the north
3. Section 26.23.095 requiring sidewalks on the east side of N. 86th Street
4. Section 26.23.140(e) to allow double frontage lots
5. Section 26.23.140(a) to allow lots with a depth of less than 120' abutting an arterial street
6. Section 26.23.125 requiring a pedestrian connection to the east
7. Design Standards Chapter 2 items 3.3 and 3.6 design standards relating to the depth and slope of sanitary sewers
8. Design Standards Chapter 2.15 section 3.4.3 relating to intersection approaches
9. Modifications under 27.27.080(h) and 27.31.100(h) to allow signs within the front yard setback.

GENERAL INFORMATION:

APPLICANT: Gary Bredehoft
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

**OWNER
& DEVELOPER:** Holdrege Investors, LLC
(Don Linscott contact)
5101 Central Park Drive, Ste 100
Lincoln, NE 68504
(402) 467-1234

University Park Congregation of
Jehovah's Witnesses, Inc
1900 N. 84th St.
Lincoln, NE 68505

LOCATION: Northeast corner of N. 84th & Holdrege Streets

LEGAL DESCRIPTION: General: The remaining portions of Lots 93 and 94, I.T. located in the Southwest Quarter of Section 14, T10N, R7E, Lancaster County, Nebraska. (See attached legal descriptions for each application.)

SIZE: Annexation:	Proposed 47.16 acres, Recommended 53.67 acres
<u>Changes of Zone:</u>	
Ag to R-3	15.7 acres
Ag to R-4	15.11 acres
Ag to B-2	14.5 acres
Ag to O-3	8.34 acres
Special Permit (CUP)	30.83 acres
Preliminary Plat	53.67 acres
Use Permit	Proposed 15.94 acres, Recommended 22.84 acres

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Agricultural

SURROUNDING LAND USE AND ZONING: Zoned AG agricultural to the north, east and southeast with agricultural, single family acreage and church uses; zoned O-3 Office Park District to the south with rural fire station and ground under development; zoned B-2 Planned Neighborhood District and H-4 General Commercial District to the west with commercial uses under development.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown for commercial and urban residential uses in the 1994 Lincoln-Lancaster County Comprehensive Plan.

HISTORY: The N. 84th Street Subarea Plan was approved in 1998 showing this area for commercial and residential developments.

UTILITIES & SERVICES:

Sanitary Sewer: Sanitary sewer to serve this plat is required from the north side of the proposed plat to north of Leighton. The developer is responsible for the cost of this sewer. The developer must pay the connection fee to the City for outletting to the "Regent Heights" trunk sewer.

The Public Works Department stated that the waiver requested for the sanitary sewer outlet depth is satisfactory

Water The Public Works Department noted that the developer must pay the 8" equivalent cost of the 16" water main in Holdrege adjacent to this plat.

The Public Works Department stated that a water main needs to be shown along the un-named street in Lot 1, Block 3.

Roads The Public Works Department stated that the 40' easement for a future private street extended to the north in Lot 1, Block 3 must be revised to show this as a street, the same as other streets in the Preliminary Plat.

The Public Works Department noted that the grading and drainage plan must be revised to show a public or private street extended to the north. The street grades must be provided in accordance with design standards, and the plan must be revised to show the street grades. It appears that significant grading is needed to build this street. This affects the storm water detention and other required grading in Lot 2, Block 3.

The Public Works Department noted that the plan needs to be revised to show the improvements that are tentatively agreed to for transportation improvements and right-of-way dedication or acquisition outside this plat. The dimensional relationship of the proposed curbline to existing or proposed right-of-way must be shown.

Additional right-of-way dedication along Holdrege Street and along 84th Street is needed to construct the paving cross-section shown on the plans.

ANALYSIS:

1. This is a request for annexation, changes of zone, a community unit plan, a preliminary plat and a use permit.

Annexation:

2. The area of the church lot at the northwest corner of the site was included in the preliminary plat and change of zone request. However, that parcel was left out of the annexation and use permit request.
3. The church lot would be surrounded on three sides by the City limits, if it is not incorporated.
4. City policy is to include areas that would be surrounded by three sides in the annexation.
5. A road extension to the north is required through the church parcel.
6. The sanitary sewer to serve this plat must come from the north, and through the east end of the church parcel.
7. The preliminary discussions regarding the annexation always included the church property.
8. The applicant has requested a change of zone on the church property to B-2 and the church property is included within the Preliminary Plat.
9. The annexation should not be approved unless the church parcel is included.

Changes of Zone

10. The applicant has requested changes of zone from AG Agricultural to R-3 and R-4 Residential, B-2 Planned Neighborhood Business District, and O-3 Office Park District.
11. The area proposed for the residential zoning is shown within a Community Unit Plan, with a proposal for 269 dwelling units (216 multi-family and 53 single family units.) The proposed multi-family units are adjacent to agricultural land. A lower density would help with the transition to the area to the north and east.
12. The area proposed for O-3 is shown within a Use Permit, with a proposal for a 100,000 square foot office building.

13. Only half of the area proposed for the B-2 zoning is shown within the Use Permit, with a proposal for 53,000 square feet of commercial space. The applicant has requested B-2 zoning for the 6.4 acre lot occupied by the church, but has not included it within the Use Permit or the annexation request.

Special Permit (Community Unit Plan), Preliminary Plat, and Use Permit

Waiver Requests:

14. The developer has requested a waiver of Section 26.23.030 requiring a street projection to the north. A public access easement is proposed in lieu of a street. The proposed easement is not wide enough to accommodate a future street. The Public Works Department does not support the requested waiver, and has asked that the plans be revised to show a street connection to the north.
15. The applicant has requested a waiver of Section 26.23.095 requiring sidewalks on the east side of N. 86th Street. This is the residential side of the street, and residential lots back onto the street. The applicant has not shown an unusual circumstance to justify a waiver. Staff does not support this request.
16. The applicant has requested a waiver of Section 26.23.140(e) of the Subdivision Ordinance that requires the subdivision to be arranged in such a manner that there are no lots with double frontage. The proposed lot layout provides a beneficial circulation pattern for the single family development, and helps minimize traffic conflicts between the commercial and residential areas.
17. The applicant has requested a waiver of Section 26.23.140(a) of the Subdivision Ordinance to allow two of the lots to have less than 120' of depth abutting Holdrege Street. The north lot line abutting Lot 28, Block 4 can easily be adjusted to meet this requirement. Lot 24, Block 5 would be the only lot that could not meet this requirement due to the curve of the cul-de-sac.
18. The applicant has requested a waiver of Section 26.23.125 of the Subdivision Ordinance requiring a pedestrian way easement in Block 4 to the east. The area to the east is developed with single family acreage lots. However, a pedestrian way would provide pedestrian access to the east if the area urbanizes in the future.
19. A waiver has been requested to the Design Standards, Chapter 2 items 3.3 and 3.6 design standards relating to the depth and slope of sanitary sewers. The Public Works Department supports the waiver request.
20. A waiver has been requested to the Design Standards Chapter 2.15 section 3.4.3 relating to intersection approaches. The Public Works Department did not specifically comment on this request.
21. The developer has requested a waiver of Section 26.15.030(b) requiring a Use Permit on a portion of the property with the submittal of the Preliminary Plat for the church lot.

Churches are permitted uses in the B-2 district. The area is included within the Preliminary Plat, and the sewer line is extended through the east end of it. A street connection to the north is required on the east side of the church lot. This waiver request is not acceptable.

22. The applicant has requested modifications under 27.27.080(h) and 27.31.100(h) to allow signs within the front yard setback. The applicant has not provided a rationale for the request. The property does not present unusual circumstances to justify placement of the signs in the front yard.

General

23. The Design Standards for Community Unit Plans require recreational facilities be provided to serve the needs of the residents of the development.
24. The developer has agreed to make the recreational facilities provided at the apartment complex available to the residents of the single family development.
25. The Parks and Recreation Department noted that a community recreation plan is required for the proposed multi-family development. Plans should include details of outdoor play courts, sand lot, and tot lot. Safety distances and play surface should meet Consumer Product Safety Commission standards. The play area should be accessible by a walkway. Shaded seating for adults supervising children should be provided in the vicinity of the play area.
26. Section 26.15.020(a) of the Subdivision Ordinance requires that all streets be projected 300 feet into the adjacent property. The site plan and street profiles must be revised to provide this information.
27. The applicant has proposed a multi-family area consisting of 216 units in the northeast corner of the site.
28. The proposed density and layout do not provide an adequate transition to the abutting property. The plans should be revised to show a layout that provides an adequate transition to the surrounding area to the north and east.
29. The Design Standards for Community Unit Plans (Chapter 3.35 Section 1.2) require a setback of at least 40 feet for multi-family buildings. The site plan shows smaller setbacks.
30. Additionally, the setback of the parking and garages along the eastern boarder of the multi-family area does not provide sufficient space for a landscape screen meeting design standards.
31. The minimal 5' setback provided along the east side of the multi-family area does not provide an adequate transition to the abutting property and is not consistent with the character and density of the surrounding area.

32. The applicant shows only one means of ingress and egress to the multi-family area. The plans should be revised to show additional entrance/exit locations.
33. The access easement adjacent to N. 84th Street and Lexington Avenue, on the church lot, has not been removed, as requested in the June 26, 2000 letter from the Planning Director. The driveway needs to be removed from the front yard setback.
34. The June 26, 2000 letter from the Planning Director indicated that traffic assumptions for the church lot were not included in the traffic study. The assumptions for this portion of the development must be addressed.
35. The June 26, 2000 letter from the Planning Director indicated that Section 26.23.030 of the Subdivision Ordinance requires a road connection to the north. A street connection to the north still is not shown.
36. As noted in the June 26, 2000 letter from the Planning Director, the church will be required to connect to the City sewer system once it is available. The connection to the city sewer system shall be in compliance with the Lincoln Plumbing Ordinance and shall be completed within six months of the day the sewer is available. Within 30 days of discontinuing use, the septic tank must be pumped and properly abandoned. An annual permit for the well is required.
37. The June 26, 2000 letter from the Planning Director indicated that the amount of parking provided was not adequate for all of the proposed uses. The Land Use table shows potential restaurant uses on Lots 3 through 8, Block 2. However, the parking count for those lots does not meet the minimum requirements for restaurants. The site plan and land use table must be revised to either provide adequate parking or to remove restaurants as a use.
38. The plan needs to be revised to show the improvements that are tentatively agreed to for transportation improvements and right-of-way dedication or acquisition outside this plat. The dimensional relationship of the proposed curbline to the existing or proposed right-of-way must be shown.
39. Additional right-of-way dedication along Holdrege street and along 84th Street is needed to construct the paving cross-section shown on the plans.
40. "Lexington Avenue" is immediately across the street from "Northern Lights Drive." An intersection with two different street names is confusing. "Lexington Avenue" should be changed to match the street name already in place to the west.
41. The storm water detention calculations do not address Lot 1, Block 3 (church lot.) The grading and drainage plan must be revised to include this lot.
42. The storm sewer downstream from Area C3 needs to be located in a 30' easement.

43. The pipe location and easement needs to be outside the area of the garage now shown in the same location.
44. The Health Department did not identify any serious negative environmental health impact from incompatible land uses.
45. The Health Department stated they endorse utilization of “urban village” concept when designing a sub-development to help minimize vehicle miles traveled subsequently reducing air pollution.
46. The Health Department had concerns regarding the increase in paved parking areas and accompanying increase of polluted runoff.
47. The Health Department noted that the development will need to meet the City’s Noise Control Ordinance, Chapter 8.24 L.M.C.
48. The June 26, 2000 letter from the Planning Director indicated that the landscape plan does not meet design standards. The plans have not been revised to provide the screening required at the north end of the multi-family development. Additionally, it does not appear that the landscaping shown in the B-2 and O-3 areas meets the design standards for landscaping in those districts.
49. It appears that additional screening is required on Lot 22, Block 5, adjacent to N. 86th Street.
50. The plat has not been revised to show the location, size and common name of all existing trees adjacent to and within the subdivision as required by Section 26.15.020(c) of the Subdivision Ordinance, and as requested by the June 26, 2000 letter from the Planning Director.
51. The Public Works Department noted that the information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design considerations including, but not limited to , location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes and the method of connection storm sewer inlets to the main system are not approved with the is review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

STAFF CONCLUSION: The purpose of providing preliminary plats is to “provide for the harmonious development of Lincoln and its environs; to prescribe the standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of

subdivisions with other features of the comprehensive plan...in such a manner so as to create conditions favorable to health, safety, convenience or prosperity..." (Section 26.03.0230)

The developer has included the northwest lot in the request for a change of zone and within the Preliminary Plat, but has not incorporated it within the annexation and use permit requests. The developer is requesting waivers of the subdivision requirements to provide a use permit over that area, and to project a street through that area to the north. Such requests are not consistent with the purpose of orderly development.

Churches are permitted uses in the B-2 district. The parcel could readily be incorporated into the proposed Use Permit. A street projection is necessary through the eastern side of that parcel to provide access and development opportunities to the property to the north. The sanitary sewer will be required to be extended from the north, along the eastern side of this parcel to serve the proposed development. The parcel must be annexed and included within the Use Permit.

STAFF RECOMMENDATION:

Annexation #00006	Conditional Approval
Change of Zone #3255	Approval
Special Permit #1839	Conditional Approval
Preliminary Plat #00011	Conditional Approval
Use Permit #128	Conditional Approval

Requested waivers or variations from:

Denial	Section 26.15.030(b) requiring a Use Permit on a portion of the property with the submittal of the Preliminary Plat
Denial	Section 26.23.030 requiring a street projection to the north
Denial	Section 26.23.095 requiring sidewalks on the east side of N. 86 th Street
Approval	Section 26.23.140(e) to allow double frontage lots
Approval	Section 26.23.140(a) to allow lots with a depth of less than 120' abutting an arterial street- <u>for Lot 24, Block 5</u>
Denial	Section 26.23.125 requiring a pedestrian connection to the east
Approval	Design Standards Chapter 2 items 3.3 and 3.6 design standards relating to the depth and slope of sanitary sewers
Denial	Design Standards Chapter 2.15 section 3.4.3 relating to intersection approaches
Denial	Modifications under 27.27.080(h) and 27.31.100(h) to allow signs within the front yard setback.

CONDITIONS ANNEXATION:

After the applicant completes the following instructions and submits the documents to the Planning Department office and the documents are found to be acceptable, the application will be scheduled on the City Council's agenda:

1. Revise the legal description to include the church lot.
2. Revise the annexation agreement to the satisfaction of the Public Works and Law Departments.
3. Provide signed copies of the acceptable annexation agreement.

Prepared by:

Jennifer L. Dam, AICP
Planner

CONDITIONS SPECIAL PERMIT:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
- 1.2 Revise the site plan to show:
 - 1.2.1 Provide a community recreation plan satisfactory to the Parks and Recreation Department.
 - 1.2.2 Add a note indicating that the single family dwellings will be granted access to the recreational facilities in the multi-family area.
 - 1.2.3 Remove the "play area" designation from Lot 10, Block 2.
 - 1.2.4 Change the name of "Lexington Ave." to "Northern Lights Drive" to match the street to the west.
 - 1.2.5 Provide the street profiles and projections of streets 300 feet into the abutting property as required by 26.15.020(a).
 - 1.2.6 Revise the site plan to provide a front and side yard setback of 40' as required by design standards (Chapter 3.35, section 1.2.)
 - 1.2.7 Revise the layout of the multi-family area to provide a better transition to the area to the north and east, considering the character of the area to the north and east.
 - 1.2.8 Remove the signs from the front yard setback.
 - 1.2.9 Revise Note 7 to remove the sentence "with the exception of the east side of N. 86th St. along the back side of Lots 11,12,21 and 22."
 - 1.2.10 Revise Note 9 to read "Direct vehicular access to N. 86th Street from Lots 9 and 10, Block 4; and Lots 1, 11, 12, 21 and 22, Block 5; N. 84th Street and Holdrege Street is relinquished except as shown.
 - 1.2.11 Revise Note 13 to add the following "...provided the minimum lot width and area requirements of the underlying zoning district are met."

- 1.2.12 Revise the site plan to change the designation of “Outlot C” to be “Outlot B”, since only two outlots are shown. Revise notes 15 and 34 to reflect this.
- 1.2.13 Add a note indicating that any relocation of LES facilities will be at the owner/developer’s expense.
- 1.2.14 Clarify the easements shown that are utility easements.
- 1.2.15 Show the location of the church’s well and septic tank. Add a note indicating that the well will be properly abandoned according to the Health Department regulations at the time of connection to City sewer.
- 1.2.16 Revise note 23 to state “A common access easement will be provided over all drives and parking stalls on outlot “A” and “B”, as such drives and parking stalls may exist.”
- 1.2.17 Remove Note 24.
- 1.2.18 Combine Notes 26 and 29 to read “Commercial lots within the area of an approved Use Permit may be created without frontage to a public street if they have access to a public access easement in conformance with Section 26.23.140(g) of the Subdivision Ordinance.”
- 1.2.19 Revise the site plan, grading and drainage plan and street profiles to show a road connecting to the north, with the appropriate details.
- 1.2.20 Revise the landscape plan to meet design standards for screening in the yards surrounding the multi-family area (Chapter 3.5, Section 7.3.)
- 1.2.21 Revise the site plan to provide additional entrances/exits to the multi-family area.
- 1.2.22 Revise the landscape plan to meet the design standards for screening residential lots backing onto public streets (Chapter 3.5, Section 7.4.)
- 1.2.23 Revise the landscape plan to meet the design standards for screening in the yards and around the buildings and church in the O-3 and B-2 districts (Chapter 3.5, Section 7.6.)
- 1.2.24 Show additional right-of-way along N. 84th and Holdrege Streets, to the satisfaction of the Public Works and Utilities Department.
- 1.2.25 Show water mains to the satisfaction of the Public Works and Utilities Department.

1.2.26 Revise the plans to show the transportation improvements and right-of-way dedication for all improvements to the satisfaction of the Public Works and Utilities Departments.

2. The City Council approves the associated requests:

- 2.1 Annexation #00006
- 2.2 Change of Zone #3255
- 2.3 Preliminary Plat #00011
- 2.4 Use Permit #128

3. This approval permits a Community Unit Plan consisting of 269 dwelling units.

General:

4. Before receiving building permits:

- 4.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
- 4.2 The construction plans shall comply with the approved plans.
- 4.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:

- 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 5.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Jennifer L. Dam, AICP

PRELIMINARY PLAT CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Provide a community recreation plan satisfactory to the Parks and Recreation Department.
 - 1.1.2 Add a note indicating that the single family dwellings will be granted access to the recreational facilities in the multi-family area.
 - 1.1.3 Remove the "play area" designation from Lot 10, Block 2.
 - 1.1.4 Change the name of "Lexington Ave." to "Northern Lights Drive" to match the street to the west.
 - 1.1.5 Remove the signs from the front yard setback.
 - 1.1.6 Provide the street profiles and projections of streets 300 feet into the abutting property as required by 26.15.020(a).
 - 1.1.7 Revise the site plan to provide a front and side yard setback of 40' as required by design standards (Chapter 3.35, section 1.2.)
 - 1.1.8 Revise the layout of the multi-family area to provide a better transition to the area to the north and east, considering the character of the area to the north and east.
 - 1.1.9 Revise Note 7 to remove the sentence "with the exception of the east side of N. 86th St. along the back side of Lots 11,12,21 and 22."
 - 1.1.10 Revise Note 9 to read "Direct vehicular access to N. 86th Street from Lots 9 and 10, Block 4; and Lots 1, 11, 12, 21 and 22, Block 5; N. 84th Street and Holdrege Street is relinquished except as shown.
 - 1.1.11 Revise Note 13 to add the following "...provided the minimum lot width and area requirements of the underlying zoning district are met."
 - 1.1.12 Revise the site plan to change the designation of "Outlot C" to be "Outlot B", since only two outlots are shown. Revise notes 15 and 34 to reflect this.

- 1.1.13 Add a note indicating that any relocation of LES facilities will be at the owner/developer's expense.
- 1.1.14 Clarify the easements shown that are utility easements.
- 1.1.15 Show the location of the church's well and septic tank. Add a note indicating that the well will be properly abandoned according to the Health Department regulations at the time of connection to City sewer.
- 1.1.16 Revise note 23 to state "A common access easement will be provided over all drives and parking stalls on outlot "A" and "B", as such drives and parking stalls may exist."
- 1.1.17 Remove Note 24.
- 1.1.18 Combine Notes 26 and 29 to read "Commercial lots within the area of an approved Use Permit may be created without frontage to a public street if they have access to a public access easement in conformance with Section 26.23.140(g) of the Subdivision Ordinance."
- 1.1.19 Revise the site plan, grading and drainage plan and street profiles to show a road connecting to the north, with the appropriate details.
- 1.1.20 Revise the landscape plan to meet design standards for screening north of the multi-family area, along Holdrege Street, and within the Use Permit.
- 1.1.21 Show additional right-of-way along N. 84th and Holdrege Streets, to the satisfaction of the Public Works and Utilities Department.
- 1.1.22 Show water mains to the satisfaction of the Public Works and Utilities Department.
- 1.1.23 Revise the plans to show the transportation improvements and right-of-way dedication for all improvements to the satisfaction of the Public Works and Utilities Departments.

2. The City Council approves associated request:

- 2.1 Annexation #00006
- 2.2 Change of Zone #3255
- 2.3 Special Permit #1839
- 2.4 Use Permit #128
- 2.5 An exception to Chapter 2 items 3.3 and 3.6 of the design standards relating to the depth and slope of sanitary sewers
- 2.6 A modification to the requirements of the land subdivision ordinance to permit to allow double frontage lots and to allow lots with a depth of less than 120' abutting an arterial street for Lot 24, Block 5.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:
 - 3.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works an erosion control plan.
 - 3.2.2 To protect the remaining trees on the site during construction and development.
 - 3.2.3 To pay all improvement costs except those costs the City Council specifically subsidizes as follows:
 - 3.2.3.1 Half the cost of a 16" water main in Holdrege Street, adjacent to the plat.
 - 3.2.4 To submit to lot buyers and home builders a copy of the soil analysis.
 - 3.2.5 To continuously and regularly maintain street trees and landscape screens.
 - 3.2.6 To complete the private improvements shown on the preliminary plat and community unit plan.

- 3.2.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.8 To relinquish the right of direct vehicular access from Lot 1, Block 3 to N. 84th Street; Outlot A and Outlot B to N. 84th Street; Outlot B to Holdrege Street; Lots 22-25, Block 5 to Holdrege Street; Lot 28, Block 4 to Holdrege Street; Lots 9 and 10, Block 4 to N. 86th Street; and, Lots 1, 11, 12, 21 and 22, Block 5 to N. 86th Street.
- 3.2.9 To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
- 3.2.10 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

Prepared by:

Jennifer L. Dam, AICP
Planner

CONDITIONS USE PERMIT:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
- 1.2 Revise the site plan to show:
 - 1.1.1 Remove the "play area" designation from Lot 10, Block 2.
 - 1.1.2 Change the name of "Lexington Ave." to "Northern Lights Drive" to match the street to the west.
 - 1.1.3 Remove the signs from the front yard setback.
 - 1.1.4 Revise Note 7 to remove the sentence "with the exception of the east side of N. 86th St. along the back side of Lots 11,12,21 and 22."
 - 1.1.5 Revise Note 9 to read "Direct vehicular access to N. 86th Street from Lots 9 and 10, Block 4; and Lots 1, 11, 12, 21 and 22, Block 5; N. 84th Street and Holdrege Street is relinquished except as shown.
 - 1.1.6 Revise Note 13 to add the following "...provided the minimum lot width and area requirements of the underlying zoning district are met."
 - 1.1.7 Revise the site plan to change the designation of "Outlot C" to be "Outlot B", since only two outlots are shown. Revise notes 15 and 34 to reflect this.
 - 1.1.8 Add a note indicating that any relocation of LES facilities will be at the owner/developer's expense.
 - 1.1.9 Clarify the easements shown that are utility easements.
 - 1.1.10 Show the location of the church's well and septic tank.
 - 1.1.11 Add a note indicating that the will be properly abandoned according to the Health Department regulations at the time of connection to City sewer.

- 1.1.12 Add a note indicating that an annual well permit is required from the Health Department.
 - 1.1.13 Revise note 23 to state "A common access easement will be provided over all drives and parking stalls on outlot "A" and "B", as such drives and parking stalls may exist."
 - 1.1.14 Remove Note 24.
 - 1.1.15 Combine Notes 26 and 29 to read "Commercial lots within the area of an approved Use Permit may be created without frontage to a public street if they have access to a public access easement in conformance with Section 26.23.140(g) of the Subdivision Ordinance."
 - 1.1.16 Revise the site plan, grading and drainage plan and street profiles to show a road connecting to the north, with the appropriate details.
 - 1.1.17 Revise the landscape plan to meet design standards for screening north of the multi-family area, along Holdrege Street, and within the Use Permit.
 - 1.1.18 Show additional right-of-way along N. 84th and Holdrege Streets, to the satisfaction of the Public Works and Utilities Department.
 - 1.1.19 Show water mains to the satisfaction of the Public Works and Utilities Department.
 - 1.1.20 Revise the plans to show the transportation improvements and right-of-way dedication for all improvements to the satisfaction of the Public Works and Utilities Departments.
 - 1.1.21 Revise the boundaries of the Use Permit to include the church.
 - 1.1.22 Revise the site plan to show the church, its parking layout and landscaping.
2. The City Council approves the associated requests:
- 2.1 Annexation #00006
 - 2.2 Change of Zone #3255
 - 2.3 Special Permit #1839
 - 2.4 Preliminary Plat #00011
3. This approval permits a Use Permit consisting of 100,000 square feet of office space; 53,000 square feet of commercial space and a church.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The (City/County) Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

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Planner